

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DORIS BARBER,)	
)	
Plaintiff,)	
)	Civil Action No. 06-1713
vs.)	
)	
THE PENNSYLVANIA STATE,)	Judge Lancaster
POLICE, COL. JEFFREY B. MILLER,)	
TPR. DOUGLAS R. MAXWELL,)	Magistrate Judge Lenihan
)	
Defendants.)	

MEMORANDUM ORDER

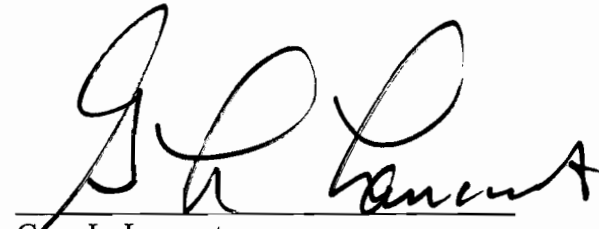
Plaintiff's Complaint was received by the Clerk of Court on December 28, 2006 and was referred to United States Magistrate Judge Lisa Pupo Lenihan in accordance with the Magistrate Judge's Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

The Magistrate Judge's Report and Recommendation (Doc. No. 15) filed on June 25, 2007, recommended that the Motion to Dismiss filed by Defendants be granted as it related to the Pennsylvania State Police. It further recommended that the Motion to Dismiss be denied as it related to Defendant Jeffrey B. Miller. Service was made on all counsel of record. The parties were informed that in accordance with the Magistrate Judge's Act, 28 U.S.C. § 636(b)(1)(B) and (C), and Rule 72.1.4(B) of the Local Rules for Magistrate Judges, that they had ten (10) days to file any objections. No objections have been filed. After review of the pleadings and the documents in the case, together with the Report and Recommendation, the following Order is entered:

AND NOW, this 18th day of July, 2007;

IT IS HEREBY ORDERED that Defendants' Motion to Dismiss is granted as it relates to Defendant Pennsylvania State Police, and denied as it relates to Jeffrey B. Miller.

IT IS FURTHER ORDERED that the Report and Recommendation (Doc. No. 15) of Magistrate Judge Lenihan, dated June 26, 2007, is adopted as the Opinion of the Court.



Gary L. Lancaster
United States District Judge

cc: Lisa Pupo Lenihan
United States Magistrate Judge

All counsel of record